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HEALTHY CLUB.
HEALTHY FOOD.
We will have no cause to regret your
choice of food, made from selected
meats, poultry, fish, and vegetables,
and served in the most palatable
manner.
BOWEN & MILLINGER, Grocers,
1001 PRAIRIE AVENUE.

Cotton.
Houston is always a first class market.
It is especially attractive at this time,
buyers bidding sharply for what is
left of the crop.

Cleveland & Co.,
HOUSTON.

CHARCOAL,
Best quality, in good sacks.

OLDER, RIVETS,
INC, COPPER,
SHEET IRON,
IN PLATE, ETC.

eden & Co.,
212 Franklin Ave.

ELMONT,
The only
CIGAR HAVANA CIGAR.

KELNER,
Sole Agent,
HOUSTON, TEXAS.

Seed Store.
Seasonable Seeds.
Fine Flowers.

WHITAKER,
11 TRAVIS STREET.

Have...
Just received a Car
Load of Sorghum Seed
and Car of German
Wheat. Write us prices.

Thompson & Co.

PHONE...
THE LINES OF THE SOUTH-
WESTERN TELEGRAPH AND TEL-
EGRAPH COMPANY to many of the prin-
cipal cities and towns of Texas. Toll
free Central Office, Houston and
Galveston.

ALFALFA.
We grow Alfalfa, Amber Cane,
Sorghum, Rye, Corn, Barley,
Clover, and all kinds of Hay and
Feed. We also grow and raise
all kinds of Stock. Write for prices.
W. H. MARSHALL,
Local Manager.

Washington, D. C.,
and Return... \$36.30

Via the I. & G. N. "Fast Mail" Train,
The Fastest and Finest Train
Out of Texas.

City Ticket Office: 217 Main Street.

MAILABLE EDITION.

HOUSTON DAILY POST.

TWELFTH YEAR. NO. 325. HOUSTON, TEXAS, TUESDAY, FEBRUARY 23, 1897. PRICE 5 CENTS.

TODAY'S FEATURES.

Crete.
Christians killed by the shots from the
fleets.
Marshall von Belerstein announces
that the German policy is to maintain
peace at all costs.
Greek cruiser Pira sailed to Piræus.
Action of the fleets in firing on insur-
gents excites comment in the British
parliament.
Both Greece and Turkey threaten to
break off diplomatic relations with the
powers.
Indignation meeting held in Athens.
Reported that Greek minister of war has
resigned.

Domestic.
House passed the general deficiency bill
after prolonged debate.
Senate crowded with bills. Debate over
the Loud bill.
Reform editors meet at Memphis and
Kansas City.
Hanna accepts the Ohio senatorship.
House committee to report favorably the
monetary conference bill.
Meeting of the Daughters of American
Revolution.
President Cleveland establishes thirteen
new forest reserves.

Sport.
Fitzsimmons' friends express confidence.
Training of the pugilists.
Joe Wolcott thinks the purse offered was
too small.

State.
Postoffice at Mustang robbed and a
large amount of stamps taken.
Dan Wood acquitted of the charge of
murder at Hempstead.
Captain R. O. James, a prominent re-
publican, dies from pneumonia.
B. H. Harding, under indictment for
murder, commits suicide in jail at Athens.
Charles Kuntz, charged with murder-
ing his half sister, caught in California.
Anti-trust law declared unconstitutional
by Judge Swayne. State takes an ap-
peal.
Freight wreck on the Santa Fe. En-
gineer and fireman seriously injured.

Texas Legislature.
Bill providing right of injunction upon
the State to prevent breach of laws in-
troduced by Representative Pitts.
O'Connor of Buxar will introduce today
a bill creating a board of fire and police
commissioners for cities.
Turner of Nueces favors letting the as-
signments question go to the people in the
shape of a constitutional amendment.
Harris' union depot bill passed the
house.

Freeman's bill repealing the Jones
amendment to educational laws went to
enrollment.
Escate a tangle with the various city
charter amendments, a much local feel-
ing develops.

Railroads.
The Burlington route refuses to make
any special rate for the Corbett-Pitts-
summers bill.

Jack Le Hane is appointed live stock
agent of the Cotton Belt.

Comptroller of question of establish-
ing a schedule of rates for the Galveston
Wharf company postponed.

Local.
The officers of the battleship Texas failed
to get in an appearance.
A mass meeting at 3 o'clock today to
discuss the new city charter.

The Barker-Burton trial.
The State has filed a motion for a re-
hearing in the Collins case.

Christian Endeavor rally.
Officers elected for the Houston Dis-
trict Medical Association.

TODAY'S FORECAST.
NEW ORLEANS, La.—The International
Association of Car Associations will
meet here this afternoon, tomorrow
morning on will hold forth in the
Royal hotel.

BALTIMORE, Md.—The suit of the
Harris and Ohio first preferred stock-
holders against the receivers of the Bal-
timore and Ohio company is set for a
hearing today.

ST. PAUL, Minn.—The Reformat bill
in the senate providing for a horizontal
redaction of 20 per cent of all railroad
freight and passenger rates in the State,
will have a hearing today before the rail-
road committee.

LOUISVILLE, Ky.—J. M. McKnight,
president of the German National bank,
who is charged with making false en-
tries on the books of the bank, will be
put on trial today. He denies every ac-
cusation against him.

TISKINGER, Ala.—The sixth annual
negro conference, which will be held here
tomorrow, will be attended by negroes
from all parts of the South. The following
day there will be a workers' conference,
composed of farmers, of representatives
from the different religious organizations
and institutions in the South devoted to
the interests of the race.

C. P. SHEARN
GRAIN and
HAY.

CAR LOTS A SPECIALTY.
Seed Corn, Seed Oats, Sorghum Seed, Kat.
fir Corn and Millet Seed.

CORNER TRAVIS AND CAPITOL.
Phone 46.

**Foundry and Machine Work, Engine and
Boiler Repairs.**
Castings, Gate Bars, Sash Weights, etc.

HARTWELL IRON WORKS.
HOUSTON, TEXAS.

SENATE AND HOUSE.

**Spirited Controversy in the Senate
Over the Loud Bill.**

WORK ON THE APPROPRIATION BILLS

**General Deficiency Bill Was Passed
by the House.**

THE SOUTHERN PACIFIC ITEM.

**Sayers and Others Objected to the
Payment of the Judgment but the
Item Went Through.**

Washington, February 22.—The senate
spent its first hour today in listening to
Washington's farewell address, read by Mr.
Daniel of Virginia, and then turned its at-
tention to the Indian appropriation bill. It
involves a contest over sectarian Indian
schools. The clause directing the tempo-
rary contracts with these schools when no
government schools were available, was
agreed to—51 to 38. A provision was added
declaring it to be the settled policy of the
government hereafter to make no appropria-
tions whatever for the support of sectarian
schools. A further amendment offered
by Mr. Gallinger directing that all
appropriations to sectarian schools end on
June 30, 1898, went out on a point of order.
The clause sustained—28 to 22. The
Indian bill is still under consideration.

A veto from Mr. Cleveland on a private
pension bill brought out sharp criticism
from Mr. Gallinger against the president's
course. Mr. Morgan brought out, in the
course of an inquiry, that the passage of all
these bills would involve less expense than
the amount which went to the syndicate
taking the bond issue. Mr. Hoar also com-
mented on the modern methods of criticis-
ing the pension rolls. Mr. Allison warned
the senate that hard work would be re-
quired to get through the appropriation
bills on time, and a resolution for 11 o'clock
sessions was adopted, the prospects being
that night sessions will follow soon.

Mr. Platt (Rep.) of Connecticut endor-
sed to pass the bill relating to judicial
proceedings in the territories, stating that
the lives of four men under sentence of
execution tomorrow in the Indian Terri-
tory were dependent largely on this bill.
Mr. Vest (Dem.) of Missouri said the bill
could not pass without debate, whereupon
Mr. Platt did not press the measure.

Mr. Gallinger (Rep.) of New Hampshire
attacked an item in the bill of \$8000 for
an industrial farm at Fladrow, S. D. He
declared that it was ridiculous to go into
the purchase of South Dakota lands at \$25
an acre, when they were in the market
for \$5. This item and one for a similar
farm at Pierre, S. D., went over.

Mr. Gear criticized a number of items,
saying that the republican house had been
forced upon to resist the outlays. This
amused Mr. Dettigrew (in charge of the
bill) to the statement that economy could
be better directed against naval vessels
which would not float and battleships which
were rusting out their existence. It could
be applied in cutting down the ten million
appropriation for fortifications when we
are about to have a peace treaty. He added
that instead of the house being the ex-
ponent of economy, it was actually the
house appropriations would run \$40,000,000
above the highest limit ever before had.

Mr. Allen of Iowa, chairman of the ap-
propriations committee, took occasion to
state the efficiency of the appropriation
committee. He said it was imperative
if the appropriation bills were to be dis-
posed of, that they be passed this week.
The debate on the Indian bill went over.

Mr. Chandler (Rep.) of New York, in
the Loud bill, so-called, as to second-class mail
matter, and Mr. Butler of North Carolina
announced that he would make a minority
report tomorrow. In the course of a parlia-
mentary debate, Mr. Stewart of Nevada
made it known that he would oppose the
bill by every possible means.

Mr. Vilas, a member of the postoffice
committee, said he favored 1 cent postage
postage, which was a feature of the report
on the Loud bill, if the other reforms pro-
posed by the bill could be carried out.

Mr. Butler, who will make the minority
report, said the bill is "inflammatory," and
if the people understood it they would not
tolerate it. The first reform, he said, should
be in reducing compensation to the rail-
ways for carrying the mails. This bill
would destroy book concerns and throw
thousands out of employment.

Mr. Chandler said he would not attempt
tonight to talk against an "unworked popu-
larist." He remarked only that this so-called
"inflammatory" bill proposed 1 cent postage
as a first feature.

Mr. Dettigrew of South Dakota presented
the credentials of Mr. Teller of Colorado
for the term beginning March 1.

Mr. Cannon of Utah presented the cre-
dentials of Jos. L. Hawkins as a senator
from Utah to succeed Mr. Brown from
March 4 next.

A resolution by Mr. Allison was agreed
to fixing the house tax assembly at 11
a. m. on and after next Wednesday.
At 6:05 p. m. the senate adjourned.



M'KINLEY AND HIS CABINET.

congress had related the payment of
this claim. It had been fought over and
over again and always had resulted in
favor of the government. The validity of
the judgment was not in question, but in
as much as the stockholders and directors of
the Southern Pacific and Central Pacific
were largely the same and as the com-
pany was insolvent and largely indebted
to the government he contended that con-
gress would be derelict in its duty if it
paid to the Southern Pacific corporation,
which was identical with the other, the
\$120,000 pending a settlement with the
Central.

Mr. Northway (Rep.) of Ohio said he
favored the payment of this claim of the
Southern Pacific. The road bound itself to
carry the mails. It had performed its duty.
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of South Dakota lands at \$25 an acre, when
they were in the market for \$5. This item
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has kindly, but unequivocally stated that
he will employ all proper means to promote
an international agreement, and the com-
mittee believes that he should be aided in
the performance of this duty by promptly
vesting in him full and explicit power to
use every appropriate means to promote
an international agreement, and the com-
mittee therefore recommends an addition
to this bill providing that he may appoint
commissioners or envoys to seek, by diplo-
matic negotiations with the several na-
tions, to bring about such an agreement.

The report refers to the favorable action
taken by the English house of commons
in 1885 in a proposition to hold an inter-
national conference, the subsequent request
of the German reichstag for such a con-
ference and similar action by the French
chamber of deputies, and says: "In the
face of such explicit declarations of opinion
by the legislative branches of the three
great monetary powers of Europe we can
not assume that the governments of these
countries would decline to join in a con-
ference nor ought we to assume that they
would appoint delegates who would mis-
represent or antagonize the National sen-
timents indicated by the expressions of the
legislative representatives of the people.

Your committee does not enter into any
discussion of either the feasibility or the
desirability of an international monetary
conference. The great preponderance of testimony of
students of monetary science seems to estab-
lish its entire feasibility if sustained by
the great commercial nations of the world.
The desirability from an American stand-
point at least, has been recently passed
upon by the great jury of the American
people and their verdict is to be resigned if
possible into an effective judgment.

Reference is made to the plank of the
republican platform in the last campaign
opposing the free coinage of silver except
by international agreement with the lead-
ing commercial nations of the earth,
which the republican party is pledged to
promote, and declaring that until such an
agreement can be obtained the existing
gold standard must be preserved.

The report continues: "There is nothing
of ambiguity or uncertainty in this declara-
tion. It is explicit, straightforward and
complete. It must be accepted as express-
ing the will and purpose of the American
people and their will should be the guide
of their representatives. A pledge fairly
made should be unhesitatingly fulfilled.
Doubts as to the possibility of such do not
alter the obligation to attempt to accom-
plish such."

Daughters of American Revolution.
Washington, February 22.—The sixth
continental congress of the National soci-
ety of the Daughters of the American Revo-
lution was called to order today. Nearly
1000 accredited representatives and others
identified with the organization were pres-
ent.

Mrs. Adair Stevenson, the president gen-
eral of the society and wife of the retir-
ing vice president of the United States,
presided.

Mrs. L. S. Muzzey of Bristol, Conn., was
awarded first prize in the contest for bi-
ographies of revolutionary women, her
subject being Catherine Cayser. Mrs.
Clark Waring of Columbia, S. C., got sec-
ond prize for a biography of Eliza Cald-
well.

Warning of Danger.
Washington, February 22.—The weather
bureau tonight issued the following:
The observer at Cincinnati reports that
the river will rise to 50 feet by Tuesday
morning, and will probably reach 55 feet
at that point, which is 10 feet above the
danger line, and the business interests and
the public have received timely warning
of danger.

Naval Appropriation Bill.
Washington, February 22.—The report of
Chairman Boutwell of the house committee
on naval affairs shows that the bill car-
ries \$22,165,254, an increase over last year
of \$1,602,573 and a reduction from the es-
timate of the department of \$2,500,702. Most
of the increases in amount over last year
are involved in the expenses incident to the
building of the new navy.

Pacific Reorganization.
Washington, February 22.—The senate
today agreed to the report of the conference
on the Atlantic and Pacific railway reorgani-
zation bill. This is the second conference
report on the bill. The bill as amended
by this report is practically the same as
passed the house. It omits the portion of
the first agreement, which authorized the
issuance of additional stock.

WRECK ON THE SANTA FE.
**Engineer and Fireman Seriously In-
jured—Freight Train Very Menager.**

Brenham, Texas, February 22.—The first
section of freight train No. 29, coming
south on the Gulf, Colorado and Santa Fe,
went through bridge No. 212 across the
main stream of the Yeauca about 10:30
Monday morning.

A section gang had been at work on the
bridge and the train was signalled to stop
there and endeavor to do so, but went
too close.

Dr. W. A. Lockett, the local company
surgeon, was summoned and hastened to
the scene on a special to minister to the
wounds of the engineer and fireman, both
of whom are seriously, if not fatally, in-
jured, the engineer, it is believed, being
fatally wounded.

The wounded men were carried to Sam-
merfield, where Dr. Lockett is attending
them, but at this writing he has not re-
turned.

Navasota, Texas, February 22.—About 9
o'clock this morning an engine of a freight
train and four cars went through a bridge
over Yeauca creek on the main line of the
Santa Fe, three or four miles south of
Sanger.

The particulars of the wreck are not
known here. The affair necessitated the
bringing of main line passenger No. 2
through this city by way of Brenham and
Hempstead valleys and the East and West
Gulf at 1:30 this afternoon and was in charge
of Conductor Farmer, who is well known in
this city. By this arrangement with the
Central road the train was enabled to con-
tinue its flight northward, which was a
great thing for the passengers.

WEATHER INFORMATION.
Last Night's Synopsis.

Galveston, Texas, February 22.—An area
of high pressure, accompanied by a fall
in temperature is coming in over the
Northwest. The barometric pressure is
below the normal over the Ohio and lower
Mississippi valleys and the East and West
Gulf States the lowest being 29.71 at
Nashville.

The weather is clear over the western
portion of the country and is cloudy over
the eastern portion.
Visibilities have fallen at a few sta-
tions during the past twelve hours, with
the greatest—35 of an inch—at Nashville.

General Observations.
Observations taken by the United States
weather bureau at 8 p. m. 7th meridian
time.

Station.	Temp.	Wind.
Galveston, Tex.	75	SE.
Atlanta, Ga.	72	SE.
Monterey, Cal.	75	SE.
San Francisco, Cal.	62	SE.
New Orleans, La.	74	SE.
Palatka, Tex.	69	SE.
Hempstead, Tex.	72	SE.
Corpus Christi, Tex.	74	SE.
Memphis, Tenn.	69	SE.
Nashville, Tenn.	48	SE.
St. Paul, Minn.	29	SE.
Davenport, Iowa	28	SE.
St. Louis, Mo.	30	SE.
Kansas City, Mo.	30	SE.
Omaha, Neb.	34	SE.
North Platte, Neb.	22	SE.
Dodge City, Kan.	31	SE.
Amarillo, Texas	36	SE.
Okla. City, O. T.	50	SE.
Arlene, Texas	56	SE.
El Paso, Texas	50	SE.

Today's Probabilities.
Washington, February 22.—For Eastern
Texas—Clearing in morning and generally
fair Tuesday and Wednesday; colder,
north winds.

Rising Waters.
Washington, February 22.—A Cumber-
land, Md., special to the Evening Star says:
The heavy rain of last night has swelled
the Potomac and Wills creek so that there
are grave fears of this city being flooded.
The waters already have overflowed their
banks and people living in the vicinity are
compelled to move out. The Baltimore and
Ohio track at Hindmann is covered by four
feet of water and all trains are stopped.
The trains on the West Virginia Central
are delayed and telegraph communication
is cut off. The waters are rising at the rate
of two feet an hour.

Middleboro, Ky., February 22.—The
town of Pineville is all under water except
two blocks. The water reached the court
house. There is great financial loss. The
Cumberland river is still rising. The flood
has receded here.

"Want Ads"
are prolific if once inserted
in The Post. Others have
proven this. Why not you?
It's no experiment.

AGAINST THE STATE.

**Anti-Trust Law Declared Unconsti-
tutional, Null and Void.**

JUDGE SWAYNE RENDERS OPINION.

**The Trial Was in Habeas Corpus
Proceeding.**

NOTICE OF APPEAL WAS GIVEN

**Case Grew Out of Indictment of John
D. Rockefeller and Texas Cotton
Seed Oil Men for Conspiracy.**

Dallas, Texas, February 22.—Judge Chas.
Swayne, district judge for the Northern dis-
trict of Florida, sitting by special designa-
tion in the Northern district of Texas, to-
day, at Dallas, declared the anti-trust law
of this State unconstitutional, null and
void.

The trial was in habeas corpus, growing
out of the indictment of John D. Rocke-
feller and a number of Texas cotton seed
oil men, charging them with engaging in a
conspiracy against trade. The relator, Wm.
Grice, stated that his co-defendant, Wm. E.
Hawkins, had already been tried and con-
victed in the State court under this indict-
ment, and had carried his case to the court
of last resort in the State, where he raised
a question of the unconstitutionality of the
act. That said court refused to pass upon
the said constitutional question and de-
clared that he had been convicted without
any evidence to sustain the verdict; but re-
mained him for trial and in so doing af-
firmed the right of the State to hold him
under the law. The relator then sued out
a writ of habeas corpus in the Federal
court to test the constitutionality of the
law, whereupon the State promptly dis-
missed the case. The court said:

"Liberty, in its broad sense, as under-
stood in this country, means the right not
only of freedom from servitude, imprison-
ment or restraint, but the person's right to
use his faculties in all lawful ways, to live
and work where he will, to earn his liveli-
hood in any lawful calling and to pursue
any lawful trade or avocation. One of the
most sacred rights of liberty is the right
of contract. All of the rights of contract
necessary for the carrying on of ordinary
business affairs, are protected by the con-
stitution and are not capable of being re-
stricted by legislative action. Among
these rights is that of forming business re-
lations between man and man. A man may
form business relations with whom he
pleases, and in the conduct of such busi-
ness they may fix and limit the character
and amount of their business, the price they
will charge for the produce which they offer
to the public, or about which they contract.
It is part of the National and civil liberty
to form business relations free from the
dictation of the State, and a like freedom
should be enjoyed and secured in deter-
mining the conditions and terms of the con-
tract which constitutes the basis of the
business relations or transactions. It is
therefore the general rule that a man is
free to ask for his wares or his services
whatever price he is able to get and others
are willing to give. From the title of the
act in question, 'Conspiracies Against
Trade,' as well as from the argument of
the State, it would seem to be the im-
pression that the act was only intended to
prevent oppressive and unreasonable com-
binations. There is no such limit, how-
ever, within its four corners.

It embraces the combination of two or
more persons, consequently the partnership
of two persons. Neither is there any limi-
tation of the amount of capital combined
with skill and acts. A small capital with
a minimum of skill is as much prohibited
as the largest amount. We are not per-
mitted to read such explanation into it,
but must take it as the legislature fur-
nishes it and with such construction as the
rules of law put upon it. It makes criminal
the carrying out of any contract, obliga-
tion or agreement by which two or more
persons, firms or corporations combine
themselves not to sell any article below a
standard or common figure, to keep its
price at a fixed or graded price; to settle
the price of any article between themselves
and others; to pool, combine or unite any

(Continued on Third Page.)

ROYAL
BAKING
POWDER
Absolutely Pure
Celebrated for its great leavening
strength and healthfulness. Assures the
food against all acid and all forms of ad-
vantage common to the cheap brand.
ROYAL BAKING POWDER COMPANY
NEW YORK.